

REMARKS

Claims 1-48 are pending in the application. Claims 1, 12, 16, 18, 27, 29 and 36 are independent. Applicants respectfully request reconsideration of the Rejections/Objections, which are discussed below.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 31 would be allowable if re-written in independent form.

First Rejection of Claims under 35 U.S.C. §103

Claims 1-4, 6-10, 16-21, 23-26, 29-30, 32-35, 36-39, 41-45 and 47-48 stand rejected under 35 U.S.C. 103 as being unpatentable over Leeke (US 6,587,127) in view of Ward (US 6,526,411), De Bonet (US 6,985,694), and Herz (US 6,020,883) (collectively referred to as the “Art”). Applicants respectfully disagree.

Independent Claim 1

With respect to independent claim 1, claim 1 is patentable over the Art because the Art, considered alone or in combination, does not teach or suggest all of the elements of claim 1. For example, at the least, the Art does not disclose:

[a] modifying at least one of the one or more channel profiles in response to receiving the indication that the user likes the received broadcast recording [wherein the channel profile is used to select the recordings that are played for the personalized channel with which the channel profile is associated].

as is recited in claim 1 (emphasis added).

In the previous Office Action (i.e., the Final Office Action that was mailed on November 3, 2008), claim 1 was rejected over the combination of Leeke, Ward, De Bonet and Cluts. In the Reply to the previous Office Action, Applicant explained that neither Leeke, Ward, De Bonet nor Cluts, considered alone or in combination, render claim 1 obvious. *See Reply to Office Action dated Feb. 27, 2009* (hereafter “the Previous Reply”). In the present Office Action, the Office found the Previous Reply to be “persuasive,” but has made a “new ground(s) of rejection” in view of Herz. *See Office Action at page 2.*

Applicant respectfully submits that Herz does not make up for the deficient teachings of Leeke, Ward, and De Bonet. More specifically, Herz does not disclose the step of “modifying at least one of the one or more channel profiles in response to receiving the indication that the user likes the received broadcast recording [wherein the channel profile is used to select the recordings that are played for the personalized channel with which the channel profile is associated],” as required by claim 1 (emphasis added).

Herz discloses a system in which a “customer profile” is updated based on the broadcast programs the customer actually watches. Thus, Herz appears to describe modifying a customer profile in response to receiving an implicit indication that the customer likes the received broadcast program. However, the profile that is updated in the Herz system is a “customer profile,” not a “channel profile,” as required by claim 1 (emphasis added).

Claim 1 expressly requires that the “channel profile” is “associate[ed] ... with a personalized channel, wherein the channel profile associated with a personalized channel is used to select the recordings that are played for the personalized channel.” The “customer profile” disclosed in Herz is not a “channel profile” because the “customer profile” is not associated with a personalized channel, let alone “used to select the recordings that are played for the [associated] personalized channel,” as required by claim 1.

The Office appears to take the position that the “customer profile” disclosed in Herz is a “channel profile.” In support of its position, the Office cites to Herz at Col. 6, lines 35-61 and Col. 11, lines 1-32. *See Office Action at page 4.* For the convenience of the Examiner, these portions of Herz are reproduced below.

In accordance with a currently preferred embodiment of the invention, a passive feedback technique is provided for updating the customer profiles in accordance with the video programming actually watched by the customer. Such a method in accordance with the invention preferably comprises the steps of: creating at least one customer profile for each customer of the video programs, the customer profile indicating the customer's preferences for predetermined characteristics of the video programs; creating content profiles for each video program available for viewing, the content profiles indicating the

degree of content of the predetermined characteristics in each video program; monitoring which video programs are actually watched by each customer; and updating each customer profile in accordance with the content profiles of the video programs actually watched by that customer to update each customer's actual preferences for the predetermined characteristics.

Col. 6, lines 35-61.

Preferably, the level of aversion is expressed by the combination of a zero-value in cv and a certain value in the corresponding wv. For example, when customer i totally rejects characteristic k, cv.sub.ik can be set to -1, which means prohibition. Any program k for which cv.sub.ik < 0 will be excluded from the recommendation list for customer i. Of course, as in the Strubbe system, the values could simply be "0" or "1" to indicate the presence or absence of a characteristic. wv.sub.ik illustrates the importance of characteristic k to customer i. Typically, different characteristics bear different levels of importance for a customer, and the introduction of this variable catches the variation. Although any scaling system may be used, the weight variable, wv, may simply weight the associated characteristic on a scale of 0-5, where 5 indicates the highest affinity for the associated characteristic. On the other hand, as in the Strubbe system, the weights could simply indicate a "like" or "dislike" value for each characteristic. Finally, as will be described in more detail below, the agreement scalar for characteristics, ac, is the weighted average of the values of a variant of the two-sample t test for significance between CV and CP.

B. Creating Initial Customer and Content Profiles
A profile, either of a customer (Customer Profile) or of a program (Content Profile), is composed of arrays of characteristics which define the customer profile vector CV.sub.i and the program profile vector CP.sub.j. To increase the accuracy in statistical estimation, the selection of the characteristics should follow the following guidelines:

Col. 11, lines 1-32.

The above passages from Herz simply do not disclose (or even suggest) that the "customer profile" is a "channel profile" (i.e., a profile associated with a personalized channel and "used to select the recordings that are played for the personalized channel.").

Hence, contrary to the Office's assertion, Herz does not disclose modifying at least one of the one or more channel profiles in response to receiving the indication that the user likes the received broadcast recording. Therefore, Herz does not make up for the deficient teachings of Leeke, Ward, and De Bonet.

Dependent Claim 7

With respect to dependent claim 7, dependent claim 7 requires "selecting one or more of the channel profiles based on the received information concerning the received broadcast recording." The Office contends that Ward discloses this feature. The Office cites to Ward at col. 2, lines 18-25 and 46-60, which are reproduced below.

A dynamic playlist is a list of items that can be played in linear order, as is done with a traditional playlist, or in more exotic sequences after application of sorting or ordering algorithms. User profiles can be applied to the sorting process, i.e., by ranking items based on the user's meta-data, which can include usage patterns or explicit preferences, and further, by order reflected by usage of other users.

The collaborative filtering query algorithm can be arranged to include the dynamic playlist itself, which becomes especially meaningful subsequent successive playlist updates. The algorithm can also include user play pattern data including manual intervention detected during playing of contents associated with the dynamic playlist, or rating data indicative of preference or distaste for selected content items.

Ward at col. 2, lines 18-25 and 46-60.

Applicant respectfully submits that nowhere does the above cited portion of Ward disclose (or even suggest) the step of "selecting one or more of the channel profiles based on the received information concerning the received broadcast recording," as is required by claim 7.

Independent Claim 16

Like claim 1, claim 16 requires the steps of "modifying at least one of the one or more [channel] profiles in response to the user indicating that the user likes or does not like

the broadcast recording.” Accordingly, for the reason give above with respect to claim 1, claim 16 and all of its dependents are patentable over the Art.

Independent Claim 18

Claim 18 is similar to claim 1. Thus, the above remarks for claim 1 apply to claim 18 and all of its dependent claims.

Independent Claim 29

Claim 29 is similar to claim 16. Thus, the above remarks for claim 16 apply equally to claim 29 and all of its dependent claims.

Independent Claim 36

Like claim 1, claim 36 requires, “modifying at least one of the one or more channel profiles in response to receiving the indication that the user likes the received broadcast recording.” Thus, the remarks for claim 1 apply to claim 36.

Second Rejection of Claims under 35 U.S.C. §103

Claims 5, 22 and 40 stand rejected under 35 U.S.C. 103 as being unpatentable over Leeke, Ward, Herz, De Bonet and Hempleman (US 6,243,725) (collectively referred to as the “Art”). Applicants respectfully disagree.

Dependent Claims 5, 22 and 40

Claims 5, 22, and 40 depend from claims 1, 18, and 36, respectively. Accordingly, claims 5, 22, and 40 are patentable for at least the reasons given above with respect to claims 1, 18, and 36.

Additionally, with respect to dependent claim 5, dependent claim 5 requires “prompting the user to select at least one of the channel profiles in response to receiving the indication [that the user likes the received broadcast recording].” The Office contends that Hempleman discloses this feature. The Office cites to Hempleman at col. 6, lines 14-22, which is reproduced below:

FIG. 30 illustrates the steps in a process of saving the playlist screen, FIG. 4I. In a step 290 the

playlist save screen is displayed. In a step 292, if the user has selected to save the existing playlist, the changes are written to the respective database in a step 294. If the user elected to save the Previously Presented playlist in a step 296, the changes are written to the Previously Presented playlist database in a step 298. Finally, the user can discard the changes and exit in a step 300.

Hempleman at col. 6, lines 14-22 (see Office action at page 10).

The above portion of Hempleman merely discloses a user saving a playlist. Nowhere does the above portion of Hempleman disclose “prompting the user to select at least one of the channel profiles in response to receiving the indication [that the user likes the received broadcast recording],” as is required by claim 5. Thus, Hempleman does not make up for the deficient teachings of Leeke and Ward.

Third Rejection of Claims under 35 U.S.C. §103

Claims 11 and 46 stand rejected under 35 U.S.C. 103 as being unpatentable over Leeke, Ward, Herz, De Bonet and Mankovich (US 2003/0097338) (collectively referred to as the “Art”). Applicants respectfully disagree.

Dependent Claims 11 and 46

Claims 11 and 46 depend from claims 1 and 36, respectively. Accordingly, claims 11 and 46 are patentable for at least the reasons given above with respect to claims 1 and 36.

Fourth Rejection of Claims under 35 U.S.C. §103

Claims 12-14 and 27-28 stand rejected under 35 U.S.C. 103 as being unpatentable over Leeke, Ward, Herz, De Bonet and Launchcast. Applicants respectfully disagree.

Independent Claim 12

Similarly to claim 1, claim 12 requires the step of “modifying at least one of the two or more [channel] profiles in response to the user indicating that the user likes or does not like the received broadcast recording.” Accordingly, for the reason give above with respect to claim 1, claim 12 is patentable over the Art.

Independent Claim 27

Claim 27 is similar to claim 12. Thus, the above remarks for claim 12 apply equally to claim 27.


Fifth Rejection of Claims under 35 U.S.C. §103

Claim 15 stands rejected under 35 U.S.C. 103 as being unpatentable over Leeke, Ward, Herz, Launchcast, De Bonet and Mankovich. Applicants respectfully disagree. Claim 15 depends from claim 12 and, therefore, is patentable over the Art for at least the same reasons given above with respect to claim 12.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,			
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